



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

US EPA RECORDS CENTER REGION 5



OCT 17 2002

By Facsimile and Certified Mail
Return Receipt Requested

REPLY TO THE ATTENTION OF:

PRP Group/Blue Tee, Inc.
Old American Zinc Plant (OAZ) Superfund Site
c/o: Terri Faye, Esq.
Babst, Calland, Clements & Zomnir, PC
1 North Maple Avenue
Greensburg, PA 15601

C-14J

Re: OAZ Superfund Site - US EPA Headquarters Required Language Change In
Draft Administrative Order On Consent (AOC) for Remedial Investigation and Feasibility
Study (RI/FS) - Community Involvement

Dear Counsels:

The United States Environmental Protection Agency (US EPA), Region 5 has been notified by our headquarters Office of Solid Waste and Emergency Response (OSWER), that the US EPA guidance language on Superfund Division Alternative Sites, dated June 24, 2002 (a copy of which was provided to all counsel of record at or after our August 28, 2002 negotiations conference) must be placed in AOCs and SOWs for RI/FS. Further, the language must reflect that there is a mandatory obligation that PRP-lead Sites follow the above mentioned June 2002 guidance.

Therefore, US EPA hereby proposes this immediate amendment to the current drafts (September 6 and 10, 2002, respectively) of the AOC and SOW at OAZ Superfund Site.

For the AOC, at Section VIII, paragraph 27B, task II, pp. 8-9 (Community Relations Support), US EPA proposes that the first sentence remain as is, and that the second sentence be amended to read:

“Respondent shall provide technical assistance to qualified groups representing the Site’s local community, pursuant to the June 24, 2002, U.S. EPA Guidance Memorandum ‘Response Selection and Enforcement Approach for Alternative Superfund Sites’ and applicable regulatory provisions at 40 CFR Sections 35.4025-.4095. The specific requirements of Respondent’s technical assistance are described in the SOW.”

For the SOW, at Task 2 (Community Relations Support), pp. 7-8/25, US EPA proposes that the first 2 paragraphs remain as they are, and that the remaining language of Task 2 be amended to read:

"In addition to any assistance with community involvement activities, Respondents shall prepare a Technical Assistance Plan (TAP) that will provide and administer \$50,000 for a qualified community representative to hire a Technical Advisor, independent from the Respondents, to help interpret and comment on Site-related documents developed under this SOW. The TAP will exist during the RI/FS and pertains to the entire OAZ Site.

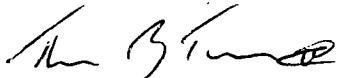
As part of the TAP, Respondents should propose methods or plans for applying for, awarding, and administering the funds; selecting the community representative consistent with 40 C.F.R. 35.4155; documenting the community representative selection process; and negotiating a contract with the selected community representative and independent Technical Advisor. **The PRPs are encouraged to propose additional terms here.** Respondents will accept the community representative's selection of an Independent Technical Advisor provided the selection is documented and consistent with 40 CFR 35.4190 and 35.4195. Respondents may choose to hire a third party to coordinate and administer the TAP, including explaining information about the TAP application process.

Respondents should specify in the TAP or in the contract those activities that can and cannot be undertaken with Respondents' funds. These eligible and ineligible activities should be consistent with 40 C.F.R. 35.4070 and 40 C.F.R. 35.4075, respectively. In addition, the TAP-funded activities shall address only Site technical issues.

Respondents will provide U.S. EPA quarterly progress reports about implementation of the TAP. By no later than by the date that the draft RI/FS Support Sampling Plan is due to U.S. EPA, Respondents will select the TAP recipient; release \$5,000 in start-up funds, confirm selection of the Technical Advisor, and finalize an appropriate contract with the selected community representative and the Technical Advisor."

Please consult with your clients, and contact me at your earliest convenience with any comments or questions concerning this proposed amendment language. I can be reached by e-mail (Turner.Thomas@epa.gov) or by telephone at 312/886-6613. Technical issues may be brought directly to RPM Ron Murawski at 312/886-2940.

Very truly yours,



Tom Turner
Associate Regional Counsel

cc: R. Murawski, RPM - US EPA
C. Cuffman, Enf. Spec. - US EPA

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U.S. DOJ-ENRD/EDS

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